

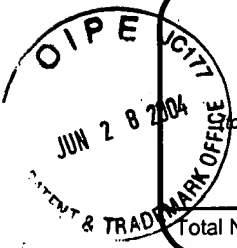
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PTO/SB/21 (04-04)

Approved for use through 07/31/2008. OMB 0651-0031

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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/407,878
Filing Date	September 29, 1999
First Named Inventor	Gaspar HERNANDEZ
Art Unit	2176
Examiner Name	A. Yuan
Attorney Docket Number	29250-000324/US
Total Number of Pages in This Submission	

## ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form  <input checked="" type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment / Reply  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/ Incomplete Application  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Technology Center (TC)  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input type="checkbox"/> Other Enclosure(s) (please identify below):
<b>Remarks</b> The Commissioner is hereby authorized to charge any additional fees that may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 08-0750. A duplicate copy of this sheet is enclosed.		

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JUL 01 2004

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Technology Center 2100

Firm or Individual name	Harness, Diekey & Pierce, P.L.C.	Attorney Name	Thomas S. Auchtertonie	Reg. No.	37,275
Signature					
Date	June 28, 2004				

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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 330

Complete if Known

Application Number 09/407,878  
Filing Date September 29, 1999  
First Named Inventor Gaspar HERNANDEZ  
Examiner Name A. Yuan  
Art Unit 2176  
Attorney Docket No. 29250-000324/US

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JUL 01 2004

Technology Center 2100

## METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money ☐ Other ☐ None  
Order

☐ Deposit Account:

Deposit  
Account  
Number

08-0750

Deposit  
Account  
Name

Harness, Dickey & Pierce, P.L.C.

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments  
☒ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee  
to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1)

(\$) 0

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
20 **	0	0	0
Independent Claims	3 **	0	0
Multiple Dependent		0	0

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$) 0

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	330
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$) 330

## SUBMITTED BY

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Thomas S. Auchterlonie

Date

June 28, 2004

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PATENT #11  
Docket No. 29250-000324/US 10/3

IN THE U.S. PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS AND INTERFERENCES

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Applicant: Gaspar HERNANDEZ

Conf. No.: 3326

JUL 01 2004

Appl. No.: 09/407,878

Group: 2176 Technology Center 2100

Filed: September 29, 1999

Examiner: A. Yuan

For: TECHNOLOGY TO TRANSLATE NON-TEXT DISPLAY GENERATION  
DATA REPRESENTING AN INDICATOR INTO TEXT VARIABLES

**BRIEF ON BEHALF OF APPELLANT**  
**FILED UNDER PROVISIONS OF 37 C.F.R. § 1.192**

Assistant Commissioner for Patents  
Washington, D.C. 20231

June 28, 2004

**TABLE OF CONTENTS**

§1.192(c)(1), Real Party In Interest	Page 1
§1.192(c)(2), Related Appeals and Interferences	Page 1
§1.192(c)(3), Status of the Claims	Page 2
§1.192(c)(4), Status of Amendments	Page 2
§1.192(c)(5), Summary of the Invention	Page 2
§1.192(c)(6), Issue	Page 6
§1.192(c)(7), Grouping of Claims	Page 6
§1.192(c)(8), Arguments	Page 7
§103 Rejection Based Upon Fake et al. Patent	Page 7
Claim-Group No. 1	Page 7
Claim-Group No. 2	Page 12
Claim-Group No. 3	Page 13
Claim-Group No. 4	Page 14
Claim-Group No. 5	Page 15
Claim-Group No. 6	Page 16
Claim-Group No. 7	Page 16
Claim-Group No. 10	Page 17
Conclusion	Page 17
Appendix (Copy Of Claims)	Attached



PATENT  
Attorney Docket No. 29250-000324/US

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JUL 01 2004

**IN THE U.S. PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS AND INTERFERENCES**

Technology Center 2100

Appellant: Gaspar HERNANDEZ

Conf.: 3326

Appl. No.: 09/407,878

Group: 2176

Filed: September 29, 1999

Examiner: A. Yuan

For: TECHNOLOGY TO TRANSLATE NON-TEXT DISPLAY GENERATION  
DATA REPRESENTING AN INDICATOR INTO TEXT VARIABLES

**BRIEF ON BEHALF OF APPELLANT**  
**FILED UNDER PROVISIONS OF 37 C.F.R. § 1.192**

Assistant Commissioner for Patents  
Washington, D.C. 20231

June 28, 2004

Sir:

Applicant (now "Appellant") hereby appeals to the Board of Patent Appeals and Interferences ("the Board") from the final rejection of the Examiner made in the Office Action dated December 24, 2003. This document represents Appellant's Appeal Brief.

**§ 1.192(c)(1), REAL PARTY IN INTEREST**

The real party in interest is the Assignee of the present application, namely Lucent Technologies, Inc. It is noted that the Assignment to Lucent Technologies, Inc. is recorded with the USPTO at Reel No. 010290, Frame No. 0573.

**§ 1.192(c)(2), RELATED APPEALS AND INTERFERENCES**

Appellant is aware of no related appeals and interferences.

**§ 1.192(c)(3), STATUS OF CLAIMS**

Claims 1-37 are pending. Of those, claims 1, 18, 19 and 20 are independent.

Each of claims 1-37 stands rejected.

**§1.192(c)(4), STATUS OF AMENDMENTS**

No claim has been amended subsequent to the Final Rejection from which the present appeal is taken.

It is noted that a Rule 116 Request for Reconsideration was filed on March 10, 2004 in reply to the Final Office Action (dated December 24, 2003). But no amendments were presented therein.

**§1.192(c)(5), SUMMARY OF THE INVENTION**

To better appreciate the present invention, it is helpful to appreciate a problem that it solves. It is also helpful to remember that computer systems have not always had the more user-friendly graphical user interfaces (GUIs) that are standard today.

Large systems (see 302 of Exhibit 1, where Exhibit 1 is a marked-up version of present Fig. 3) often include monitoring subsystems (304 Exhibit 1) that permit an operator to monitor the state of one or more parameters of the large system 302. In some instances, the manner in which the monitoring subsystem 304 delivers information to the operator can become problematic, especially where the system is not GUI based.

An example of such a monitoring subsystem is the AUTOPLEX® Maintenance CRT (MCRT) monitoring system marketed by Lucent Technologies Inc. as a tool for use with its various wireless telephony systems. The AUTOPLEX® MCRT monitoring system 304 includes a user interface (not of the GUI variety) by which an operator can input a request for information concerning a parameter of the wireless telephony system 302. In response, the AUTOPLEX® MCRT monitoring system 304 displays the desired information on

a video screen (312 Exhibit 1). As the capabilities of the AUTOPLEX® MCRT monitoring system 304 have grown, so has the amount of information that it can display per screen.

A typical display screen of the AUTOPLEX® MCRT monitoring system 304 partitions the viewing area into regions that have a predefined association with a parameter. The combination of attributes of a region is understood to be an indicator of the characteristics of the parameter. Typical indicator attributes might include an alphanumeric string representing a value, one of two foreground and background color combinations, whether it is blinking or not blinking, and/or whether it is not visible at all. Such a video screen is energized according to a file of non-text, i.e., hexadecimal code, display generation data (provided via connection 314 Exhibit 1) generated by a video display driver circuit card (310 Exhibit 1). The AUTOPLEX® MCRT monitoring system 304 can be described as a dedicated non-text-variable-output system.

To derive meaning from a video screen energized as such, an operator must be familiar with the predefined associations. Otherwise, the video screen appears merely to be an array of variously-colored alphanumeric strings, some of which might be blinking.

Once an operator is familiar with such a video screen, he can submit (among other things) a Status Display Page (SDP) command to the interface to request information about a particular parameter or large system configuration. Then, the operator watches the screen until the requested array of information is displayed. Using his knowledge of the predefined associations for the requested screen, the operator looks to the region that acts as an indicator for the parameter. In that region, the operator observes the alphanumeric string, the combinations of colors and whether or not the combination is blinking, or whether the region is totally blank. In his mind, the operator translates the attributes of the indicator into the characteristics of the indicator. Usually, the characteristics of the indicator are the

alphanumeric string and the state, the state being represented by the combination of colors.

It is burdensome to the operator to have to perform this translation. Plus, it is prone to error if the operator has less than perfect recall of the predefined associations and/or attribute/characteristic relationships. A typical screen for the SDP command has about 20-30 indicators and there are over 100 screens that can be requested with the SDP command. In addition, the color relationships for an indicator on an SDP screen can change from one software release of the AUTOPLEX® MCRT monitoring system 304 to the next. Thus, there is a great deal of information that an operator must remember about all of the SDP commands.

It is desired to free the operator of the AUTOPLEX® MCRT monitoring system 304 from the captivity represented by not being able to avert his eyes from the video screen generated in response to the SDP command, as well as to liberate operators of other similar dedicated non-text-variable-output systems. One way to do this is to rewrite the software for the system so that the characteristics of the parameters are provided in the form of text variables which can be displayed and manipulated, and not merely in the form of a file of non-text (hexadecimal code) display generation data. However, such large systems are typically mature products for which research and development efforts have been greatly diminished. This makes such a rewrite prohibitively expensive to undertake.

To restate, common characteristics of these non-text-variable-output systems include (1) that they hold operator captive by, and vulnerable to, the need to visually inspect their respective video display device (VDD) outputs and (2) that they are mature products for which research and development efforts have been greatly diminished, making substantive software rewrites (to obtain more user-friendly output) prohibitively expensive. Embodiments of the present invention do not disturb the existing monitoring system and yet achieve a desired goal of translating the attributes of an indicator in dedicated

non-text-variable-output systems into text variables that represent the characteristics of the indicator without rewriting the software of the dedicated non-text-variable-output systems.

Embodiments of the present invention provide technology for translating a subset of a file of non-text display generation data into text variables. Such text variables can be monitored by a program that can recognize when, e.g., the text variables exceed or fall below corresponding reference values. This is much less burdensome, and much more accurate, than putting such responsibility on the user's visual perception of a flickering display screen.

Figures 1A-1D and 2 depict flowcharts representing the method according to the present invention. This method is embodied by the device 300, which is connected via a bidirectional link 324 to the monitoring system 304 as part of an overall system 300 in Exhibit 1.

Embodiments (e.g., device 306 Exhibit 1) of the present invention are operable to: acquire a file of non-text display-generation data (e.g., steps 101-106 of Fig. 1A); extract groups of data, representative of the plurality of indicators, respectively, from either the file of non-text display-generation data or a file corresponding to it; identify one of the groups of data as corresponding to the desired indicator (e.g., steps 108-118 of Figs. 1A-1B); and convert the identified group of data into a set of text variables having values representative of the characteristics of the desired indicator (e.g., steps 120-136 of Figs. 1C-1D). Such technology can translate the non-text data into groups of text data alternatively before the aspect of extracting, identifying or converting. This translation explains why the aspect of extracting operates on either the file of non-text display-generation data or a file corresponding to it.

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**§1.192(c)(6), ISSUE**

One requirement of a proper §103 rejection is that the combination of references must teach or suggest all of the claimed elements. Appellant has explained how each of seven claim elements is a distinction over the primary reference (Fake et al.), as well as over each of the other two references in the combination. How can the §103 rejection be proper given the shortcomings of the asserted combination?

**§1.192(c)(7), GROUPING OF CLAIMS**

Claims 1-37 are grouped according to the following table. Such groups stand or fall separately from one another.

<b>Claim-Group No.</b>	<b>Claims Which Stand Or Fall Together</b>
1	1, 5-7, 11-12, 15, 17-20, 23-27, 31-32, 35 and 37
2	3, 21
3	4, 22
4	9, 29
5	10, 30
6	13, 33
7	14, 34
8	16, 36

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**§1.192(c)(8), ARGUMENTS**

**§103 Rejection Based Upon Fake et al. Patent**

Beginning on page 2 of the Final Office Action, claims 1-37 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,826,062 to Fake Jr. et al. (the "Fake et al. patent") in view of U.S. Patent No. 6, 272,549 to Daniel (the "Daniel patent"), and further in view of U.S. Patent No. 6,160,555 to Kang et al. (the "Kang et al. patent"). Appellant traverses.

**Claim-Group No. 1**

The Examiner has acknowledged (page 3 of Final Office Action) that the Fake et al. patent does not disclose or suggest the claimed "translating said groups of non-text data into groups of text data." Appellant agrees. But there other differences between the Fake et al. patent and claim 1.

Regarding the subject matter of the Fake et al. patent, a MIME (multipurpose internet mail extensions)-formatted email message includes both textual material and non-text embedded attachments. An SMTP (simple mail transfer protocol) mail server cannot display a MIME-formatted email message accurately to a user; rather what results is that the non-text embedded attachments cannot be viewed or used. See lines 28-35, column 1, Fake et al. patent. The Fake et al. discloses a method by which an SMTP mail server can present a MIME-formatted message to a user in a manner that permits the

user to be advised that non-text embedded attachments (e.g., multi-media files) are included; see lines 38-41, column 1, Fake et al. patent.

More particularly, the Fake et al. patent teaches the following. A MIME-formatted message is converted into text and non-text portions; see lines 55-56 of column 1. The non-text portions are stored as non-text files, e.g., binary files; see lines 56-57 of column 1. Then, a converted message is displayed to a user, the converted message including a text portion and references to the non-text files; see lines 58-60 of column 1. The references to the non-text files in the converted message are inserted at positions corresponding to positions where non-text embedded material otherwise would have been visible if the email message originally would have been viewed via a MIME-compatible mail application; see lines 61-64 of column 1.

The following is also taught by the Fake et al. patent. All of the text portions of the MIME-formatted message are converted into one non-POP (post office protocol) note 21 (explicitly called out in Fig. 1, though lines 17-19 of column 2 indicate that text portions 21 are also depicted in each of Figs. 2A, 2B and 2C); see lines 62-64 of column 2. The embedded non-text portions of the MIME-formatted message are isolated into separate non-text files 41, 43 and 45; see lines 64-65 of column 2. As the text portion 21 is being created, references 31, 33 and 35 to the non-text files 41, 43 and 45 are inserted into the text note 21; see lines 4-6 of column 3.

For the sake of argument, Appellant will assume that the splitting of a MIME-formatted message into separate files (one or more of which represent

non-text files 41, 43 and 45) corresponds to the claimed feature of “acquiring said file of non-text display-generation data.” Under that assumption, where does the Fake et al. patent disclose the next claimed feature of “extracting groups of non-text data, representative of said plurality of indicators, respectively, from said file of non-text display-generation data”? Appellant submits that the answer is nowhere in the Fake et al. patent. Once the non-text files 41, 43 and 45 are created, nothing further is extracted from them according to the Fake et al. patent.

Moreover, the Examiner indicated during the interview (conducted February 25, 2004) that the claimed “indicators” correspond to references 31, 33 and 35 of the Fake et al. patent. But references 31, 33 and 35 are not extracted from the non-text files 41, 43 and 45. Rather, the references 31, 33 and 35 are created and inserted into the non-text portion 21 at positions where the non-text embedded material otherwise would have been displayed as an icon, etc., in a MIME-compatible email application; see lines 61-64 of column 1. Thus, another distinction over the Fake et al. patent of claim 1 is “extracting groups of non-text data, representative of said plurality of indicators, respectively from said file of non-text display-generation data.”

Claim 1 further recites “translating said groups of non-text data ...”. As explained above, no groups are extracted. As such, no extracted groups exist which can be translated. The Examiner (again) has acknowledged that the Fake et al. patent does not disclose translating non-text data into text data. But as noted, Appellant does not merely recite translating any non-text data

into text data. Rather, Appellant recites “translating said groups of non-text data ...”. Hence, another distinction over the Fake et al. patent is “translating said groups of non-text data ...”.

Claim 1 further recites “identifying one of said groups of text data as corresponding to said desired indicator.” As there are no translated groups according to the Fake et al. patent, then no identification of one of the translated groups could be disclosed by the Fake et al. patent. So here we have another distinction.

Furthermore, claim 1 recites “converting the identified group of text data into a set of text variables ...”. As no group is identified (see above), then no conversion of an identified group of text data into a set of text variables could be disclosed by the Fake et al. patent. So here we have yet another distinction.

The Daniel patent cannot make up for the deficiencies of the Fake et al. patent explained above. The Examiner has relied upon the Daniel patent as generally disclosing only conversion of hexadecimal data representation into ASCII character representation. This is done within the context of encoding data within a packet; see line 64 of column 7 to line 3 of column 8.

In the last paragraph of page 3 of the Office Action, the Examiner acknowledges that the Fake et al. patent and the Daniel patent each does not explicitly disclose a “plurality of indicators” and “converting the identified group of text data into a set of text variables having values representative of said characteristics of said desired indicator”. But the Examiner believes that such is disclosed by the Kang et al. patent. Appellant traverses.

In general, Appellant is willing to acknowledge that the Kang et al. patent mentions text cursors and changing of the appearance of the text cursors; see line 61 of column 3 to line 9 of column 4. But nothing about the Kang et al. patent discloses the concept of there being groups of non-text data within a file of non-text display-generation data that represent a plurality of indicators. Nor does the Kang et al. patent disclose extracting such groups from the file of non-text display-generation data, nor translating said groups, nor identifying one of said translated groups, nor converting the identified group of text data.

Apparently, the Examiner also believes that the Kang et al. patent discloses converting text data into a set of text variables having values representing characteristics of an indicator. Where is this disclosed in the Kang et al. patent? It is not disclosed in the passage cited by the Examiner (namely column 3, line 61 to column 4, line 9), which is reprinted as follows:

The Normal cursor 16 indicates the position where the next character 14, which will be recognized as a lower case letter, will appear. In the event that a character mode changes because the user has selected a relevant on-screen character mode button or made a relevant gesture on the unistroke HWR system, the novel cuing feature will provide a visual cue, or indication, to the user at that position. A text cursor change will result. An exemplary text cursor which is used for indicating the number character mode is shown in FIG. 2 as the Num Lock cursor 26. Some examples of text cursors that may be used to indicate the other character modes can be seen in FIG. 3, where a Caps Lock cursor 36 is shown next to the word "CAPS" for indicating the upper case letter character mode. Similarly, a Shift cursor 38 is shown next to the word "Shift" for indicating another known upper case letter character mode.

The passage of the Kang et al. patent cited by the Examiner might be considered a general teaching to change the appearance of particular cursors

on a display. But that is far different from converting text data into a set of text variables having values representative of characteristics of the desired indicator. Where is the asserted conversion disclosed? Where are the text variables mentioned? Appellant submits that the Kang et al. patent provides no such teaching or suggestion.

In view of the deficiencies in each of the Fake et al., Daniel and Kang et al. patents noted above, the §103 rejection based upon the combination of these three patents is improper. Claims 2-17 and 24-27 depend at least indirectly from claim 1, respectively, and are patentable at least by dependency.

Each of independent claims 18, 19 and 20 recited features similar to those of claim 1 discussed above. By similarity, the rejection of claims 18, 19 and 20 over the combination of the Fake et al. patent, the Daniel patent and the Kang et al. patent is improper. Claims 21-23 and 28-37 depend at least indirectly from claim 20, respectively, and are patentable at least by dependency.

### **Claim-Group No. 2**

In the alternative as to Claim-Group No. 2, a distinction of claims 3 and 21 over the Kang et al. patent (and also over the two patents combined therewith) is assuring, before submitting said request, that a cursor on said video screen is in a predetermined location on an input screen. The Examiner has asserted that this feature is disclosed by the Kang et al. patent between line 64 of column 4 and line 1 of column 5. For the Board's convenience, Appellant reprints as follows the passage in the Kang et al. patent from line 55 of column 4 to line 1 of column 5 (underlined emphasis added):

When an input is received from the input event manager, the text-editing window object will then enter a VALID INPUT? state 41. The input is validated in this state; if it is not a character 14 or a character mode select information, the text-editing window object will enter a CURSOR DISPLAY state 42. Otherwise the text-editing window object will enter a CHAR MODE CHANGE? state 43. Thus

if the input is not relevant, the text-editing window object will enter the CURSOR DISPLAY state 42 where the bitmap of the Normal cursor 16 stored in the memory, which is indexed by the current memory address-pointer, is read. The bitmap of the Normal cursor 16 is subsequently stored in the virtual display memory, taking into account the position of the Normal cursor 16 within the text-editing window 12. Subsequently, the text-editing window screen display routine is called to update the screen 10 with the contents of the virtual display memory. While in this state, the text-editing window object uses a system timer interrupt, or a timer routine within the application program, to control the blinking pattern of the Normal cursor 16.

While the reprinted passage mentions cursor position, nothing about the passage relates to assuring, before submitting said request, that a cursor on said video screen is in a predetermined location on an input screen.

### **Claim-Group No. 3**

In the alternative as to Claim-Group No. 3, a distinction of claims 4 and 22 over the combination of patents is determining coordinates of said cursor in said file of text data corresponding to said input screen, and toggling, if said coordinates of said cursor do not match said predetermined location, said cursor to said predetermined location.

The Examiner has asserted that the claimed "determining coordinates" feature is disclosed by the Fake et al. patent at lines 38-42 of column 2, which is reprinted as follows for the Board's convenience (underlined emphasis added):

Thus, according to our invention, the references to the non-text files in the converted message are inserted at positions corresponding to positions where non-text embedded material was encountered in the mail message. This is illustrated in FIGS. 2A, 2B, and 2C.



While the reprinted passage mentions positions of references in a message, nothing about the passage relates to determining coordinates of said cursor in said file of text data corresponding to said input screen.

The Examiner has asserted that the claimed "toggling" feature is disclosed by the Kang et al. patent at lines 20-28 of column 6, which is reprinted as follows for the Board's convenience (underlined emphasis added):

Similarly, the color or blinking pattern of the text cursor may also be changed to achieve the same results, as long as the color or blinking pattern is sufficiently varied to provide the user with a distinctive indication. The different embodiments of the novel cuing feature described may also be modified to provide a cue when the user has made an editing mode change, such as limited text cursor change to indicate the toggling between the Insert and Typeover modes in the prior art.

While the reprinted passage mentions "toggling," it is toggling between Insert and Typeover modes. Nothing about the passage remotely suggests toggling said cursor to said predetermined location.

#### **Claim-Group No. 4**

In the alternative as to Claim-Group No. 4, a distinction of claims 9 and 29 over the Kang et al. patent (and also over the two patents combined therewith) is retrieving a list of at least one trait that might be possessed by the identified group of text data corresponding to said desired indicator, and searching said groups of text data to find a match for one of the traits on said list.

The Examiner has asserted that the claimed "retrieving a list" feature is disclosed by the Kang et al. patent from line 61 of column 3 to line 1 of column 5, and from line 57 of column 4 to line 1 of column 5, the latter passage having been reprinted above (in the section concerning Claim-Group No. 1) and the

former passage being reprinted as follows for the Board's (underlined emphasis added):

The Normal cursor 16 indicates the position where the next character 14, which will be recognized as a lower case letter, will appear. In the event that a character mode changes because the user has selected a relevant on-screen character mode button or made a relevant gesture on the unistroke HWR system, the novel cuing feature will provide a visual cue, or indication, to the user at that position. A text cursor change will result. An exemplary text cursor which is used for indicating the number character mode is shown in FIG. 2 as the Num Lock cursor 26. Some examples of text cursors that may be used to indicate the other character modes can be seen in FIG. 3, where a Caps Lock cursor 36 is shown next to the word "CAPS" for indicating the upper case letter character mode. Similarly, a Shift cursor 38 is shown next to the word "Shift" for indicating another known upper case letter character mode.

While the reprinted passage might describe some examples of text cursors that can be used, this does not arise to a teaching of retrieving a list of at least one trait that might be possessed by the identified group of text data. Nor does either of the passages in the Kang et al. patent cited by the Examiner teach searching said groups of text data to find a match for one of the traits on said list.

#### **Claim-Group No. 5**

In the alternative as to Claim-Group No. 5, a distinction of claims 10 and 30 over the Kang et al. patent (and also over the two patents combined therewith) is that said trait is a coordinate combination on said video screen for said desired indicator. The Examiner applies the same passage of the Kang et al. patent used to reject claims 9 and 29 of Claim-Group 4 against claims 10 and 30. As the Kang et al. patent does not teach a list of at least one trait, how can it be considered a teaching that a trait on such a list is is a coordinate

combination on said video screen for said desired indicator? Appellants submit that it does not.

**Claim-Group No. 6**

In the alternative as to Claim-Group No. 6, a distinction of claims 13 and 33 over the Fake et al. patent (and also over the two patents combined therewith) is recognizing ones of said text data representing an alphanumeric string to be displayed on said video screen, and setting one of said text variables to be said alphanumeric string. The Examiner has asserted that the claimed "recognizing ones" feature and the claimed "setting one" feature are disclosed by the Fake et al. patent at lines 49-64 of column 1, which is reprinted as follows for the Board's convenience (underlined emphasis added):

These and other objects are attained by the method and apparatus of our invention. Thus, according to our invention there is provided a method and apparatus for converting and displaying at a client workstation a multimedia mail message. The mail message contains textual material, as ASCII or EBCDIC textual material and non-text embedded material. The method includes the steps of converting the mail message into text and non-text portions, storing the non-text portions in non-text files, as binary files; and displaying a converted message. The converted message includes the ASCII or EBCDIC text portion in clear text, and references to the non-text files.

While the reprinted passage mentions text and textual material, it is silent as to the claimed recognizing ones of said text data representing an alphanumeric string to be displayed on said video screen, much less the claimed setting one of said text variables to be said alphanumeric string.

**Claim-Group No. 7**

In the alternative as to Claim-Group No. 7, a distinction of claims 14 and 34 over the Kang et al. patent (and also over the two patents combined therewith) is retrieving, as a function of the recognized ones of said text data, a

color-descriptive alphanumeric string describing said color to be displayed, and setting one of said text variables to be said color-descriptive alphanumeric string. The Examiner has asserted that the claimed "recognizing ones" feature and the claimed "setting one" feature are disclosed by the Kang et al. patent at lines 20-28 of column 6 (reprinted above in the section concerning Claim-Group No. 3) and line 61 of column 3 to line 9 of column 4 (reprinted above in the section concerning Claim-Group No. 1). Nothing about the passages relied upon by the Examiner supports the Examiner's assertion.

### **Claim-Group No. 10**

In the alternative as to Claim-Group No. 10, a distinction of claims 16 and 36 over the Fake et al. patent (and also over the two patents combined therewith) is retrieving, as a function of said version-number and said color-descriptive text string, a state-descriptive alphanumeric string descriptive of a state represented by said color-descriptive string. The Examiner has asserted that this claimed feature is disclosed by the Kang et al. patent from line 61 of column 3 to line 9 of column 4 (reprinted above in the section concerning Claim-Group No. 1) and at lines 20-28 of column 6 (reprinted above in the section concerning Claim-Group No. 3). Nothing about the passages relied upon by the Examiner supports the Examiner's assertion.

### **CONCLUSION**

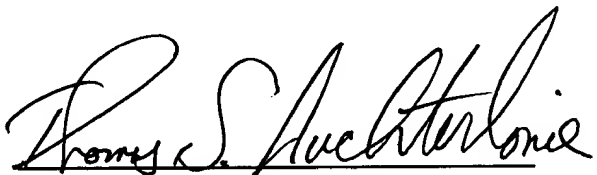
Among the many requirements of a proper §103 rejection, one is that the combination of references must teach or suggest all of the claimed elements. Above, Appellant has explained how numerous claim elements each represent a distinction over the reference (and also over the two patents combined therewith) asserted by the Examiner as disclosing the respective claim elements. In view of the foregoing discussion, the §103 rejection of claims 1-37 is improper in many respects.

Accordingly, Appellant requests the Board to reverse the Examiner's rejection.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§1.16 or 1.17.

Respectfully submitted,

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Attachment - Appendix (Copy Of Claims Involved In The Appeal

**APPENDIX**

**(Copy of Claims Involved In The Appeal)**

1. In a system having a video screen energized according to a file of non-text display-generation data, a method for automatically translating a subset of said file of non-text display-generation data into text variables having values that represent characteristics of a desired one of a plurality of indicators, the method comprising:

acquiring said file of non-text display-generation data;

extracting groups of non-text data, representative of said plurality of indicators, respectively, from said file of non-text display-generation data;

translating said groups of non-text data into groups of text data;

identifying one of said groups of text data as corresponding to said desired indicator; and

converting the identified group of text data into a set of text variables having values representative of said characteristics of said desired indicator.

2. The method of claim 1, wherein said video screen representing an interface that features a plurality of indicators and wherein the aspect of acquiring includes:

connecting to said interface;

submitting a request for predetermined arrangement of indicators on said video screen to said interface in response to which said file of non-text display-generation data will be produced; and

obtaining a copy of said file of non-text display-generation data.

3. The method of claim 2, wherein the aspect of acquiring further includes:

assuring, before submitting said request, that a cursor on said video screen is in a predetermined location on an input screen.

4. The method of claim 3, wherein the aspect of assuring includes:

obtaining a copy of a file of non-text display-generation data corresponding to said input screen;

translating said file of non-text display-generation data corresponding to said input screen into a file of text data;

determining coordinates of said cursor in said file of text data corresponding to said input screen; and

toggling, if said coordinates of said cursor do not match said predetermined location, said cursor to said predetermined location.

5. The method of claim 1, wherein the aspect of extracting includes:

parsing each string of data in said file of non-text display-generation data that is bounded at the beginning and at the end by predetermined data values to produce said groups on non-text data.

6. The method of claim 5, wherein said predetermined data values represent an escape character.

7. The method of claim 5, wherein the aspect of extracting further includes:

filtering data that do not represent characteristics of an indicator out of said groups of non-text data.

8. The method of claim 1, wherein said non-text display data is hexadecimal data and said text data is ASCII data, and said aspect of translating translates from said hexadecimal data into said ASCII data.

9. The method of claim 1, wherein the aspect of identifying includes:  
retrieving a list of at least one trait that might be possessed by the identified group of text data corresponding to said desired indicator; and  
searching said groups of text data to find a match for one of the traits on said list.

10. The method of claim 9, wherein said trait is a coordinate combination on said video screen for said desired indicator.

11. The method of claim 9, wherein the aspect of retrieving indexes a look-up table (LUT).

12. The method according to claim 9, wherein, if no groups of data match a trait on said list, then said text variables are each set to text string descriptive of there being no such indicator displayed on said video screen.

13. The method of claim 1, wherein the aspect of converting includes:  
recognizing ones of said text data representing an alphanumeric string to be displayed on said video screen; and  
setting one of said text variables to be said alphanumeric string.



14. The method of claim 1, wherein the aspect of converting includes:  
recognizing ones of said text data representing a color to be displayed;  
retrieving, as a function of the recognized ones of said text data, a color-descriptive alphanumeric string describing said color to be displayed; and  
setting one of said text variables to be said color-descriptive alphanumeric string.

15. The method of claim 14, wherein the aspect of retrieving said descriptive alphanumeric text string indexes a look-up table (LUT).

16. The method of claim 14, wherein the aspect of retrieving further includes:

retrieving a version-number indicating a version of said interface; and  
retrieving, as a function of said version-number and said color-descriptive text string, a state-descriptive alphanumeric string descriptive of a state represented by said color-descriptive string.

17. The method of claim 16, wherein the aspect of retrieving said alphanumeric state-descriptive string indexes a look-up table (LUT).

18. In a system having a video screen energized according to a file of non-text display-generation data, a device for translating a subset of said non-text from said file of display-generation data into text variables having values that represent characteristics of a desired one of a plurality of indicators, the device comprising:

a programmed processor; and

a first interface, between said processor and said user interface, to acquire said file of non-text display-generation data;

said programmed processor being operable to manipulate data in a second file, said second file being one of said file of non-text display-generation data and a file corresponding thereto, by

extracting groups of data, representative of said plurality of indicators, respectively, from said second file;

identifying one of said groups as corresponding to said desired indicator; and

converting the identified group into a set of text variables having values representative of said characteristics of said desired indicator,

said programmed processor also being operable to translate non-text data into groups of text data either before the aspect of extracting, before the aspect of identifying or before the aspect of converting.

19. For use with a system having a video screen energized according to a file of non-text display-generation data, a computer program embodied on a computer-readable medium for automatically translating a subset of said non-text from said file of display-generation data into text variables having values that represent characteristics of a desired one of a plurality of indicators, the computer program embodied on a computer-readable medium comprising:

an acquisition segment for acquiring said file of non-text display-generation data; and

a manipulation segment for manipulating data in a second file of data, said second file being one of said file of non-text display generation data and a file corresponding thereto, by

an extraction segment for extracting groups of data, representative of said plurality of indicators, respectively, from said second file;

an identification segment for identifying one of said groups data as corresponding to said desired indicator; and

a conversion segment for converting the identified group of data into a set of text variables having values representative of said characteristics of said desired indicator;

said manipulation segment further including a translation segment for translating non-text data into text data either before interaction by said extraction segment, before interaction by said identification segment or before interaction by said conversion segment.

20. In a system having a video screen energized according to a file of non-text display-generation data, a method for automatically translating a subset of said file of non-text display-generation data into text variables having values that represent characteristics of a desired one of a plurality of indicators, the method comprising:

acquiring a first file of non-text display-generation data;

manipulating data in a second file of data, said second file being one of said file of non-text display generation data and a file corresponding thereto, by

extracting groups of data, representative of said plurality of indicators, respectively, from said second file;

identifying one of said groups of data as corresponding to said desired indicator; and

converting the identified group into a set of text variables having values representative of said characteristics of said desired indicator;

said aspect of manipulating further including translating non-text data into text data either before the aspect of extracting, before the aspect of identifying or before the aspect of converting.

21. The method of claim 20, wherein the aspect of acquiring further includes:

assuring, before submitting said request, that a cursor on said video screen is in a predetermined location on an input screen.

22. The method of claim 21, wherein the aspect of assuring includes:

obtaining a copy of a file of non-text display-generation data corresponding to said input screen;

determining coordinates of said cursor in said file corresponding to said input screen; and

toggling, if said coordinates of said cursor do not match said predetermined location, said cursor to said predetermined location.

23. The method of claim 21, wherein said aspect of assuring includes translating from non-text data into text data either before the aspect of determining or before the aspect of toggling.

24. The method of claim 1, wherein the aspect of acquiring includes:

connecting to said interface;

submitting a request for predetermined arrangement of indicators on said video screen to said interface in response to which said file of non-text display-generation data will be produced; and

obtaining a copy of said file of non-text display-generation data.

25. The method of claim 1, wherein the aspect of extracting includes:

parsing said second file to produce said groups of non-text data, said data strings being at least one of preceded and followed by predetermined data values.

26. The method of claim 25, wherein said predetermined data values represent an escape character.

27. The method of claim 25, wherein the aspect of extracting further includes:

filtering data that do not represent characteristics of an indicator out of said groups of data.

28. The method of claim 20, wherein said non-text data is hexadecimal data and said text data is ASCII data, and the aspect of translating translates from said hexadecimal data into said ASCII data.

29. The method of claim 20, wherein the aspect of identifying includes:

retrieving a list of at least one trait that might be possessed by the identified group of data corresponding to said desired indicator; and

searching said groups of data to find a match for one of the traits on said list.

30. The method of claim 29, wherein said trait is a coordinate combination on said video screen for said desired indicator.

31. The method of claim 29, wherein the aspect of retrieving indexes a look-up table (LUT).

32. The method according to claim 29, wherein, if no groups of data match a trait on said list, then said text variables are each set to text string descriptive of there being no such indicator displayed on said video screen.

33. The method of claim 20, wherein the aspect of converting includes:  
recognizing ones of said data representing an alphanumeric string to be displayed on said video screen; and  
setting one of said text variables to be said alphanumeric string.

34. The method of claim 20, wherein the aspect of converting includes:  
recognizing ones of said data representing a color to be displayed;  
retrieving, as a function of the recognized ones of said data, a color-descriptive alphanumeric string describing said color to be displayed; and  
setting one of said text variables to be said color-descriptive alphanumeric string.

35. The method of claim 34, wherein the aspect of retrieving said descriptive alphanumeric string indexes a look-up table (LUT).

36. The method of claim 34, wherein the aspect of retrieving further includes:  
retrieving a version-number indicating a version of said interface; and

retrieving, as a function of said version-number and said color-descriptive string, a state-descriptive alphanumeric string descriptive of a state represented by said color-descriptive string.

37. The method of claim 36, wherein the aspect of retrieving said alphanumeric state-descriptive string indexes a look-up table (LUT).

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